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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,965	12/19/2002	Jacques Duminy	216189	9976

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EXAMINER

REDMAN, JERRY E

ART UNIT PAPER NUMBER

3634

DATE MAILED: 04/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/089,965	Applicant(s) DUMINY, JACQUES	
	Examiner Jerry Redman	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

The proposed drawing corrections dated 2/22/2005 have been approved by the Examiner:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 6, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwasa (Patent No. 5,123,988). As shown in Figure 4, Iwasa ('988) discloses a U-shaped weatherstrip having a mounting portion (the solid u-shaped material portion), and an open cell foam portion (the tubular portion extending from the U-shaped portion), a first layer (either layer 7 or 8 which are adhesive closed cell layers), and a second layer (9) formed onto the first layer along a portion of the open foam cell portion and the mounting portion of the weatherstrip and the second layer having a coefficient of friction lower than that of first layer (either layer 7 or 8).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasa (Patent No. 5,123,988) in view of Iwasa (Patent No. 5,143,772). All of the elements of the instant invention are discussed in detail above except providing the second coating to be of a plastic or rubber material (claim 2) and the second layer extruded onto the first layer (process step in claim 9). Iwasa (Patent No. 5,143,772) discloses two layers (89 and 87) extruded onto a weatherstrip wherein the outer/second layer (87) is formed of a rubber material (column 8, lines 36-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Iwasa ('988) with a rubber material extruded on the weatherstrip as taught by Iwasa ('772) since a second layer formed of rubber provides a more durable outer coating and to extrude the second layer thereto provides a more integral weatherstrip.

The applicant's arguments have been considered but are not deemed persuasive. The applicant argues that Figure 3 merely shows the cloth layer on the mounting portion and not the tubular cell foam portion and is not clear how or to what extent that the cloth portion is attached to the tubular portion as shown in Figure 2. Figure 2 discloses the use of a first layer (7 or 8, i.e., adhesive) attached to the weatherstripping and a second layer (9, i.e., cloth which has a lower coefficient of friction than 7 or 8) attached on top of the first layer. The specification further states that the cloth 9 is fed from a feed roll 18 to a second adhesive layer 8 by means of a

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pair of press rolls 19 (column 4, lines 38-42). The specification still further states that the strip of cloth 9 previously lined with the second adhesive layer 8 is pressure-bonded to the first adhesive layer 7 after which the two layers are fused by heating (column 4, lines 63-66). Therefore, by support of the specification, the cloth layer must be attached by at least on adhesive layer (8) and a second adhesive layer (7) is further attached to the surface to which the cloth will be attached. Thus, as shown in Figure 4 (even though elements 7 and/or 8 are not specifically labeled), the specification teaches the use at least one to two layers before the cloth is attached thereto. Secondly, Figure 4 shows the cloth layer (9) attached along the entire or whole portion of the sealing contact surface.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.


Jerry Redman
Primary Examiner